

REMARKS

Claims 2-7, and 9-27 are pending. Reconsideration of the previous rejection of claims 3 and 17-19, under 35 U.S.C. 112, second paragraph is respectfully requested in view of the foregoing amendment in which independent claim 1 has been cancelled in favor of new independent claim 20. Applicants has carefully reviewed the dependent claims and have amended, where necessary, in order to provide antecedent basis for each of the terms utilized. Withdrawal of the previous rejection is therefore respectfully requested.

The previous rejections of claims 1-3, 6, 7, 9, 10 and 13, as anticipated by Giertz et al. (EP, 1, 153, 736) under 35 U.S.C. 102 (b) is deemed moot in view of the foregoing amendment.

While there are similarities between Giertz et al. and the invention claimed herein, Giertz et al. does not provide a position indicator on the décor layer, sensing a positioning indicator for a first camera and sending data obtained from the first camera to a computer for the purpose of utilizing the computer to guide a tool for machining an edge of the board. Thus, Giertz et al. cannot possibly constitute an anticipation of any of the present claims. Withdrawal of the rejection is therefore respectfully requested.

Reconsideration of the previous rejections of claims 4-5, 11 and 12 under 35 U.S.C. 103 (a) as being unpatentable over Giertz et al. As well as the alternative rejections of claims 8 and 14 under 35 U.S.C. 103 (a) as being unpatentable over Giertz et al. as applied above, in further in view of Sjoberg et al. (U.S. 2003/0183334) is respectfully requested.

Although the Examiner makes the statement that Giertz et al. does not teach a camera, applicant respectfully directs the Examiner's attention to Giertz et al., column 3 lines 50-55, where Giertz et al. is shown to use sensors such as ccd cameras. Thus, in this regards Sjoberg et al. is duplicative of Giertz et al. in modifying Giertz et al. by showing use of position indicators and sensors, such as cameras in a lamination procedure.

However, the claimed invention is directed to more than merely use of a camera or camera systems or a plurality of sensors and is not an obvious process because it is more than “broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same results...” In the claimed process the position of the board is important in the total manufacturing process for forming the board. Not only is the position important for forming or aligning an embossing plate or embossing foil, with the décor layer on the board, but applicants used the positioning indicator to orient the board in order to perform machining operations on the board i.e. cutting, milling and other machining operations. This is particularly important along the edges of the board, because a cut and/or milled edge which is not in alignment with the décor sections of the décor layer can produced a board in which the décor is askew. Such askewed boards are particularly undesirable in a finished floor formed from a plurality of boards, where most boards are in alignment, except for the askewed boards. Thus visually, the boards out of alignment i.e. the askewed boards, impair the total visual impact of the floor from a user’s perspective.

It is only the applicants that have disclosed the use of positioning means on a décor layer to obtain data which is sent from a camera to a computer and utilizing the computer to guide a tool to machine an edge of the board. Such a process is not found in, nor suggested by, or taught by, the proposed combination of Giertz et al. and Sjoberg et al. and thus although there appears to be some similarities between the cited prior art and the claimed invention when compared in the sense of the *KSR* doctrine, it will readily apparent that the Examiner has simply failed to locate teachings in the prior art which teach the limitations in claimed the process. Accordingly, the Examiner cannot establish a prima facie case of obviousness while such teachings are still lacking in the cited art. Withdrawal of the rejection are therefore respectfully requested.

Reconsideration of the previous rejections of claims 15-19 under 35 U.S.C. 103 is unpatentable over Giertz et al. and Sjoberg et al. as applied to the claims above and further in

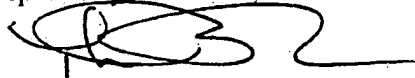
view of Garcia (U.S. 2003/0205012) is respectfully requested. Although it is said by the Examiner that Garcia “disclosed that in the art of decorative laminate useful in flooring (the same general field endeavor as both Sjoberg et al. and Giertz et al.) it was known to create a decorative substrate, cut the substrate into smaller pieces and accurately align then (sic-them) via the use of cutting, shaping and milling tools, followed by the addition of the alignment features for joining the individual substrates (i.e. panels)” citing paragraph [0058], Garcia merely sets forth a desired result without disclosing the steps necessary to achieve such results.

For example, as noted in paragraph [0057] of Garcia “in either case great care must be undertaken to ensure the decorative motifs on individually embossed-in-registration laminate 60 align across the joints of the embossed-in-registration laminates system 300”, nothing in Garcia teaches one how to do so. Applicants respectfully request that should the Examiner persist in the argument that Garcia teaches each of the claimed limitations necessary in order to ensure that the decorative motifs align across the joints, he is respectfully requested to identify the same by paragraph number or page and line so that applicants are put on notice and can respond appropriately. For the Examiner’s reference, paragraph [0058] talks about fabricating locking mechanisms prior to forming the panel structure whereas in the claimed invention the locking mechanisms, i.e. the joining elements are formed after the panels are laminated, which is quite the opposite of the steps as disclosed in Garcia. Thus, while Garcia teaches the desirability of the claimed invention, he does not teach the means, manner, or process steps necessary to achieve the claimed invention, and in fact the only portion referred to by the Examiner is the antithesis of the processing procedure set forth in the claimed invention. For all the foregoing reasons applicants respectfully submit that the Examiner has failed to establish a prima face case of obviousness for the claimed invention and withdrawal of the rejections and passage of the application to issue are respectfully requested.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 14-1437, under Order No. 8688.045.US0000.

Date: March 16, 2009

Respectfully submitted,



Thomas P. Pavelko
Registration No. 31,689
NOVAK DRUCE & QUIGG LLP
1300 Eye Street, NW
1000 West Tower
Washington, DC 20005
Telephone: (202) 659-0100
Facsimile: (202) 659-0105